
A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 281-101.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§281-101.5 Prohibitions involving minors; penalty. (a)
4 Any adult who provides or purchases liquor for consumption or
5 use by a person under twenty-one years of age shall be guilty of
6 the offense under section 712-1250.5.

7 (b) No minor shall consume or purchase liquor and no minor
8 shall consume or have liquor in the minor's possession or
9 custody in any public place, public gathering, or public
10 amusement, at any public beach or public park, or in any motor
11 vehicle on a public highway; provided that, notwithstanding any
12 other law to the contrary, this subsection shall not apply to:

13 (1) Possession or custody of liquor by a minor in the
14 course of delivery, pursuant to the direction of the
15 minor's employer lawfully engaged in business
16 necessitating the delivery;

17 (2) Possession, custody, or consumption of liquor by a
18 minor in connection with the minor's authorized



1 participation in religious ceremonies requiring such
2 possession, custody, or consumption; or

3 (3) Any person between the ages of eighteen and twenty,
4 who is participating in a controlled purchase as part
5 of a law enforcement activity or a study authorized by
6 the department of health to determine the level of
7 incidence of liquor sales to minors.

8 (c) No minor shall falsify any identification or use any
9 false identification or identification of another person or of a
10 fictitious person for the purpose of buying or attempting to buy
11 liquor or for the purpose of obtaining employment to sell or
12 serve liquor on licensed premises.

13 (d) Any person under age eighteen who violates this
14 section shall be subject to the jurisdiction of the family
15 court. Any person age eighteen to twenty-one who violates
16 subsection (b) or (c) shall be guilty of a petty misdemeanor.
17 The court shall order that any person under twenty-one years of
18 age found to be in violation of this section shall have, in
19 addition to any other disposition or sentencing provision
20 permitted by law, the person's license to operate a motor
21 vehicle, or the person's ability to obtain a license to operate
22 a motor vehicle, suspended as follows:



- 1 (1) For licensed drivers, the driver's license shall be
2 suspended for not less than one hundred [and] eighty
3 days with exceptions to allow, at the discretion of
4 the sentencing court, driving to and from school,
5 school-sponsored activities, and employment;
- 6 (2) For persons with a provisional license, the
7 provisional license shall be suspended for not less
8 than one hundred [and] eighty days with exceptions to
9 allow, at the discretion of the sentencing court,
10 driving to and from school, school-sponsored
11 activities, and employment;
- 12 (3) For persons with an instruction permit, the
13 instruction permit shall be suspended for not less
14 than one hundred [and] eighty days with exceptions to
15 allow, at the discretion of the sentencing court,
16 driving to and from school, school-sponsored
17 activities, and employment; or
- 18 (4) For persons not licensed to drive, eligibility to
19 obtain a driver's license, provisional license, or
20 instruction permit shall be suspended until the age of
21 seventeen or for one hundred [and] eighty days, at the
22 discretion of the court; and



1 (5) Chapter 571 notwithstanding, in any case where a
2 person under the age of eighteen violates this
3 section, the family court judge may suspend the
4 driver's license, provisional license, or instruction
5 permit, or suspend the eligibility to obtain a
6 driver's license, provisional license, or instruction
7 permit in accordance with this section;

8 provided that the requirement to provide proof of financial
9 responsibility pursuant to section 287-20 shall not be based
10 upon a sentence imposed under paragraphs (1) and (2). In
11 addition, all persons, whether or not licensed, found to be in
12 violation of this section shall be sentenced to seventy-five
13 hours of community service work, and an eight to twelve hour
14 program of alcohol education and counseling the costs of which
15 shall be borne by the offender or the offender's parent or
16 guardian.

- 17 (e) Notwithstanding the foregoing, if a minor:
18 (1) Summons medical treatment for another minor who
19 requires such treatment as a result of consuming
20 liquor;

1 (2) Remains on the scene with the minor who is in need of
2 medical treatment until the medical treatment is
3 administered to the minor; and
4 (3) Cooperates with medical assistance and law enforcement
5 personnel on the scene,
6 then the minor summoning medical treatment and the minor who has
7 received medical treatment shall be immune from prosecution
8 under subsections (b) and (d). The immunity from prosecution
9 conferred under this subsection may also apply to one or two
10 other minors acting in concert with the minor summoning medical
11 treatment, if the other minors comply with paragraphs (2) and
12 (3).

13 [~~e~~] (f) As used in this section, "consume" or
14 "consumption" includes the ingestion of liquor."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

20 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Intoxicating Liquor; Minors; Immunity From Prosecution

Description:

Establishes an immunity from prosecution for consumption of intoxicating liquor by a minor if the minor summons medical treatment for another minor who requires such treatment as a result of consuming liquor. Also provides that immunity may be provided to the intoxicated minor and one or two other minors assisting the summoning minor. (SB2474 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

